

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Plaintiff,**

AND

**GLORIA STOKES,
Intervenor**

vs.

**EMCARE, INC.,
Defendant.**

Civil Action No. 3:11-cv-02017-P

EEOC'S AND INTERVENOR'S PROPOSED JURY VOIR DIRE

Plaintiff Equal Employment Opportunity Commission, pursuant to the Court's Scheduling Order, files this list of Proposed Jury Voir Dire Questions:

1. Do any of you have a hearing problem or any other physical problem which might interfere with your ability to adequately hear testimony or sit through this case, which is scheduled to last for 5-7 days?
2. Do you know that there are laws prohibiting discrimination in employment because of a person's age, race, sex, color, religion, national origin, or disability?
3. Would the age, race, or sex of any of the persons participating in this trial affect your ability to render a decision based solely on the facts?
4. Has anyone on the panel ever seen any programs on television about sexual harassment or read anything about it in the past?
5. Do you know any of the attorneys involved in this case or any of the witnesses expected to testify at this trial, including but not limited to:

Attorneys: Suzanne Anderson
Meaghan Shepard
Laura Hallmon
Russ Schell
Jennifer Martin

Witnesses: Gloria Stokes

Yvonne Shaw
Luke Trahan
Alice Bell
James McKinney
Karen Thornton
Ken Thompson
Renaye Jenkins
Sean Richardson
Kelly Stokes Adkins
Victoria Feather
Katherine Haxthausen
Elaine Stokes Mullins
Debra Panneck

6. Have you, a close family member, or your employer ever been represented by or sought legal counsel or advice from the law firm of Schell Cooley, LLP?
7. Have you, a close friend or family member ever worked for Emcare?
8. Do any of you prospective jurors know each other?
How do you know each other?
9. Federal law requires the EEOC to objectively investigate charges of discrimination filed by employees. Is there anyone who does not agree that a governmental agency should investigate unlawful employment practices?
10. Has anyone here responded to, been involved as a witness, or otherwise participated in a federal investigation by the EEOC? Any other department or agency that investigates unfair or discriminatory employment practices?
What were the circumstances?
What was the outcome?
11. Has anyone here known anyone who has been discriminated against at work?
Who?
What were the circumstances?
Was it resolved?
Was the EEOC involved?
12. Do any of you believe that there are just too many laws controlling how businesses operate?
13. How many of you believe that management ought to have the prerogative to hire, fire, or do what they wish in regard to their employees, without government regulation?
14. Is there anyone here who feels it is wrong for a person to file a charge of discrimination if they feel they have been sexually harassed?

15. Have you or a close family member ever owned your own business?
What type of business? How many employees?
16. Have you or a close family member ever been an officer or director of a corporation?
17. Have you or a close family member ever been a manager or a supervisor in a business?
What type of business? How many employees?
How many employees did you manage?
18. Do you or does anyone close to you have any training in personnel or human resources management?
Describe that training.
19. Do any of you feel that if an employee believes that an employer is engaging in employment policies or practices that violate his/her civil rights, that the employee should simply leave and find another job rather than making a complaint or filing a lawsuit?
20. Does anyone here think that discrimination lawsuits are often groundless?
21. Do you think that business owners, managers and supervisors have an obligation to keep the workplace free from discrimination?
22. Has your employer implemented an internal complaint procedure to investigate and respond to complaints of discrimination?
Do you have any role in the enforcement or implementation of that procedure?
23. What steps should an employee take if they are subjected to sexual harassment at work?
Is it appropriate for them to make a complaint about the harassment?
Is it appropriate for an employee to complain about sexual harassment if they observe a co-worker being harassed?
Should they just ignore what they saw and heard?
24. Do you think that it's OK for a company to fire an employee who complained about sex harassment?
Is it illegal?
25. Do you think that companies are likely to admit it when they have violated the law?
26. Do you think that an employer or person in management is generally more credible than an employee? Why?
27. Do you think that just because a person takes an oath to "tell the truth, the whole truth and nothing but the truth," that they will?

28. Are you or is anyone close to you a lawyer?
Have you or this person handled any matters that involve allegations of discrimination?
29. Have any of you had any experiences with judges, lawyers, or the courts that would affect your ability to hear this case fairly?
Describe that experience and its affect.
30. Do any of you just not like lawyers in general, and particularly those who try cases that request monetary damages?
Please explain.
31. Have any of you, your family members, or close friends, been involved in a court case as a witness, plaintiff, or defendant?
What kind of case was it?
Is there anything about that experience that would prevent you from being a fair and impartial juror in the instant civil action?
32. Do any of you think that there are too many lawsuits in our society? Please raise your hands.
33. Does anyone believe that if an employee is subjected to sexual harassment, that employee should just tolerate it and not complain?
34. If you find a violation of federal law by Emcare in this case, you'll be asked to award what are called compensatory damages, which are damages for injuries that are not easily measured, such as emotional pain, suffering, mental anguish, humiliation, stress and embarrassment. If, at the completion of the trial, the Judge instructs you that if you find Emcare liable these monetary damages may be awarded, is there anyone who would be unable or unwilling to award damages for emotional harm?
35. Is there anyone who thinks that because there are so many other things in life that can cause us personal anguish, a person should not be allowed to recover damages for a sexually hostile work environment?
36. Do any of you believe that being subjected to a sexually hostile work environment is something that would not cause anxiety or stress to a person?
37. Have you ever received, in your workplace or anywhere else, training on sex harassment?
38. Do you think that too much is made of sex harassment in the workplace?
39. If you find that Emcare acted with reckless indifference to the federal civil rights of the employees in this case, you'll be asked to award a separate amount for what are called punitive damages to punish Emcare for its wrongs and to prevent future discrimination. Is there anyone who feels that even under these circumstances, you would not be willing to award punitive damages?

40. Is there anyone here who is against punitive damages for any reason or no reason?

RESPECTFULLY SUBMITTED

FOR THE PLAINTIFF

P.DAVID LOPEZ
General Counsel

JAMES L. LEE
Assistant General Counsel

GWENDOLYN REAMS
Associate General Counsel

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/s/ Suzanne M. Anderson
SUZANNE M. ANDERSON
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FOR THE INTERVENOR GLORIA STOKES

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CERTIFICATE OF SERVICE

This is to certify that on this, the 30th day of September 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF system of filing, which will transmit a Notice of the Electronic Filing to Defendant's counsel, an ECF registrant.

/s/ Meaghan L. Shepard
MEAGHAN L. SHEPARD